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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,418	03/26/2004	Robert C. Malkemes	MALKEMES 1-9-8-2	8934
47396	7590	07/11/2007	EXAMINER	
HITT GAINES, PC			GELIN, JEAN ALLAND	
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			ART UNIT	PAPER NUMBER
			2617	
			NOTIFICATION DATE	DELIVERY MODE
			07/11/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@hittgaines.com

Office Action Summary

Application No.

10/810,418

Applicant(s)

MALKEMES ET AL.

Examiner

Jean A. Gelin

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,10-15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7, 10-15, and 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to the Applicant's arguments and amendments filed on April 17, 2007 in which claims 1, 3, 8, 15, and 17-21 have been amended, claim 22 has been added, and claims 2, 9, and 16 have been canceled. Claims 1, 3-7, 10-15, and 17-22 are currently pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-5, 8, 10-12, 15, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aaltonen et al. (US 2005/0097053) in view of Marko et al. (US 6,243,427).

Regarding to claims 1, 8, and 15, Aaltonen teaches broadcast retransmitter for use with a wireless local area network (WLAN) (fig. 1), comprising: a gateway configured to format a bitstream received from a broadcast receiver (i.e., GTW 18 coupled to AP 30 received content from digital broadcaster 32 or server 22, and configured to communicate with the terminal 10 using the WLAN technique [0032]) for: delivery to a wireless access point (WAP) of said WLAN ([0032]); and subsequent conversion by said WAP into a wireless transmission over said WLAN to make said

bitstream available for reception by a client of said WLAN (i.e., converting the content to a form suitable to use by the terminal 10, [0044] and [0055]-[0057]).

Aaltonen fails to specifically teaches the bitstream including an aggregate signal resulting from a combination of a plurality of signals, at least one signal of the plurality of signals received from the satellite. However, the preceding limitation is known in the art of communications. Marko teaches a satellite digital audio service (SDAR) receiver architecture; the system comprises a arrangement for receiving the satellite digital audio radio signal and distributing a converted signal in response thereto (col. 2, lines 27-20); the SDAR receiver are designed to receive one or both of the satellite signals and the signal from the terrestrial repeaters and combine or select one of the signals as the receiver output, and the repeater (having feature to format bitstream) receives and retransmit the satellite signal (col. 3, line 13 to col. 4, line 30). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Marko within the system Aaltonen in order to facilitate reliable reception in geographic areas where LOS reception from satellites is obscured by obstructions.

Regarding to claims 3, 10, and 17, Aaltonen in view of Marko teaches all the limitations above. Aaltonen further teaches said broadcast receiver is a terrestrial receiver ([0034]).

Regarding to claims 4, 11, and 18, Aaltonen in view of Marko teaches all the limitations above. Aaltonen further teaches wherein said gateway formats said bitstream

according to a format selected from the group consisting of: Ethernet, any number of interfaces such as IEEE 1394, USB, and PCI ([0032], [0040]-[0041]).

Regarding to claims 5, 12, and 19, Aaltonen in view of Marko teaches all the limitations above. Aaltonen further teaches said WLAN conforms to an IEEE 802.11 standard (i.e., corresponding to Bluetooth interface or short range interface, [0040]-[0041]).

Regarding to claims 5, 12, and 19, Aaltonen in view of Marko teaches all the limitations above. Marko further teaches said aggregate signal is generated by a maximal ratio combiner (col. 5, lines 16-30).

4. Claims 6, 13, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aaltonen et al. (US 2005/0097053) in view of Marko further in view of Eng (US 6,370,153).

Regarding to claims 6, 13, and 20, Aaltonen and Marko teach all the limitations above except bitstream includes a plurality of channels and a channel is subsequently selected therefrom.

However, the preceding limitation is known in the art of communications. Eng teaches one bitstream containing an indication of one of the slots of upstream payload channel is assigned to station for transmission (col. 4, lines 28-67). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Eng within the system of Aaltonen and Marko in order that the reservation request control packet can indicate the address or identifier of the SS, the number or size of slots needed transmit payload packet.

5. Claims 7, 14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aaltonen et al. (US 2005/0097053) in view of Marko further in view of Chen (US 6,728,824).

Regarding to claims 7, 14, and 21, Aaltonen and Marko teach all the limitations above except a channel selector interposing said broadcast receiver and said gateway, said bitstream including a selected channel.

However, the preceding limitation is known in the art of communications. Chen teaches a method for controlling incoming multi-channel bitstreams and the selector selects the memory controller based on received data type in an incoming bitstream (col. 2, lines 48-67). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Chen within the system of Aaltonen and Marko in order to store data from an incoming bitstream without storing an associated data type for each data word.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 3-7, 10-15, and 17-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Akatsu et al.

US 6,633,547

10/14/2003

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JGelin
June 12, 2007

JEAN GELIN
PRIMARY EXAMINER

A handwritten signature in cursive script, appearing to read "Jean Gelin", written in black ink.